

Minnesota Statutes Annotated

Domestic Relations (Ch. 517-519)

Chapter 518. Marriage Dissolution (Refs & Annos)

Proceedings

M.S.A. § 518.155

518.155. Custody determinations

Currentness

Notwithstanding any law to the contrary, a court in which a proceeding for dissolution, legal separation, or child custody has been commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.131, 518.165, 518.168, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the parenting time of a parent unless the court has jurisdiction over the matter pursuant to the provisions of chapter 518D.

Credits

Laws 1977, c. 8, § 26, eff. April 1, 1977. Amended by Laws 1978, c. 772, § 32, eff. March 1, 1979; Laws 1979, c. 259, § 13, eff. May 30, 1979; Laws 1981, 1st Sp., c. 4, art. 1, § 179; Laws 1999, c. 74, art. 3, § 19, eff. Jan. 1, 2000; Laws 2000, c. 444, art. 2, § 20, eff. Jan. 1, 2001; Laws 2001, c. 51, § 2.

M. S. A. § 518.155, MN ST § 518.155

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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Domestic Relations (Ch. 517-519)

Chapter 518. Marriage Dissolution (Refs & Annos)

Proceedings

M.S.A. § 518.156

518.156. Commencement of custody proceeding

Currentness

Subdivision 1. Procedure. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced by a parent:

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 257.75, by filing a petition or motion seeking custody or parenting time with the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered.

Subd. 2. Required notice. Written notice of a child custody or parenting time or visitation proceeding shall be given to the child's parent, guardian, and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Credits

Laws 1978, c. 772, § 33, eff. March 1, 1979. Amended by Laws 1979, c. 259, § 14, eff. May 30, 1979; Laws 1980, c. 598, § 4, eff. April 24, 1980; Laws 1986, c. 444; [Laws 1990, c. 574, § 11](#); [Laws 1992, c. 529, § 1](#); [Laws 1993, 1st Sp., c. 1, art. 6, § 43](#); [Laws 2000, c. 444, art. 2, § 21](#), eff. Jan. 1, 2001; [Laws 2002, c. 304, § 8](#).

Notes of Decisions (14)

M. S. A. § 518.156, MN ST § 518.156

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.157

518.157. Parent education program in proceedings involving children

[Currentness](#)

Subdivision 1. Implementation; administration. By January 1, 1998, the chief judge of each judicial district or a designee shall implement one or more parent education programs within the judicial district for the purpose of educating parents about the impact that divorce, the restructuring of families, and judicial proceedings have upon children and families; methods for preventing parenting time conflicts; and dispute resolution options. The chief judge of each judicial district or a designee may require that children attend a separate education program designed to deal with the impact of divorce upon children as part of the parent education program. Each parent education program must enable persons to have timely and reasonable access to education sessions.

Subd. 2. Minimum standards; plan. The Minnesota Supreme Court should promulgate minimum standards for the implementation and administration of a parent education program.

Subd. 3. Attendance. In a proceeding under this chapter where custody or parenting time is contested, the parents of a minor child shall attend a minimum of eight hours in an orientation and education program that meets the minimum standards promulgated by the Minnesota Supreme Court. In all other proceedings involving custody, support, or parenting time the court may order the parents of a minor child to attend a parent education program. The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or parenting time proceeding may attend a parent education program without a court order. Unless otherwise ordered by the court, participation in a parent education program must begin within 30 days after the first filing with the court or as soon as practicable after that time based on the reasonable availability of classes for the program for the parent. Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program.

Subd. 4. Sanctions. The court may impose sanctions upon a parent for failure to attend or complete a parent education program as ordered.

Subd. 5. Confidentiality. Unless all parties agree in writing, statements made by a party during participation in a parent education program are inadmissible as evidence for any purpose, including impeachment. No record may be made regarding a party's participation in a parent education program, except a record of attendance at and completion of the program as required under this section. Instructors shall not disclose information regarding an individual participant obtained as a result of participation in a parent education program. Parent education instructors may not be subpoenaed or called as witnesses in court proceedings.

Subd. 6. Fee. Except as provided in this subdivision, each person who attends a parent education program shall pay a fee to defray the cost of the program. A party who qualifies for waiver of filing fees under section 563.01 is exempt from paying the parent education program fee and the court shall waive the fee or direct its payment under section 563.01. Program providers shall implement a sliding fee scale.

Credits

Laws 1995, c. 127, § 1. Amended by Laws 1997, c. 245, art. 2, § 1; Laws 2000, c. 444, art. 2, §§ 22, 23, eff. Jan. 1, 2001; Laws 2004, c. 273, § 11, eff. July 1, 2004; Laws 2006, c. 260, art. 5, § 47, eff. July 1, 2006.

M. S. A. § 518.157, MN ST § 518.157

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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Chapter 518. Marriage Dissolution (Refs & Annos)

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M.S.A. § 518.166

518.166. Interviews

Currentness

The court may interview the child in chambers to ascertain the child's reasonable preference as to custodian, if the court deems the child to be of sufficient age to express preference. The court shall permit counsel to be present at the interview and shall permit counsel to propound reasonable questions to the child either directly or through the court. The court shall cause a record of the interview to be made and to be made part of the record in the case unless waived by the parties.

In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian requests, the court may seek the recommendations of professional personnel whether or not they are employed on a regular basis by the court. The recommendations given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination of professional personnel consulted by the court.

Credits

Laws 1978, c. 772, § 36, eff. March 1, 1979. Amended by Laws 1979, c. 259, § 16, eff. May 30, 1979; Laws 1986, c. 444.

Notes of Decisions (6)

M. S. A. § 518.166, MN ST § 518.166

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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Minnesota Statutes Annotated**Domestic Relations (Ch. 517-519)****Chapter 518. Marriage Dissolution (Refs & Annos)****Proceedings****M.S.A. § 518.167****518.167. Investigations and reports****Currentness**

Subdivision 1. Court order. In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian requests, the court may order an investigation and report concerning custodial arrangements for the child. If the county elects to conduct an investigation, the county may charge a fee. The investigation and report may be made by the county welfare agency or department of court services.

Subd. 2. Preparation. (a) In preparing a report concerning a child, the investigator may consult any person who may have information about the child and the potential custodial arrangements except for persons involved in mediation efforts between the parties. Mediation personnel may disclose to investigators and evaluators information collected during mediation only if agreed to in writing by all parties. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, school personnel, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian.

(b) The report submitted by the investigator must consider and evaluate the factors in [section 518.17, subdivision 1](#), and include a detailed analysis of all information considered for each factor. If joint custody is contemplated or sought, the report must consider and evaluate the factors in [section 518.17, subdivision 2](#), state the position of each party and the investigator's recommendation and the reason for the recommendation, and reference established means for dispute resolution between the parties.

Subd. 3. Availability to counsel. The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days before the hearing. The investigator shall maintain and, upon request, make available to counsel and to a party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. The investigator and any person the investigator has consulted is subject to other pretrial discovery in accordance with the requirements of the Minnesota Rules of Civil Procedure. Mediation proceedings are not subject to discovery without written consent of both parties. A party to the proceeding may call the investigator and any person whom the investigator has consulted for cross-examination at the hearing. A party may not waive the right of cross-examination before the hearing.

Subd. 4. Use at hearing. The investigator's report may be received in evidence at the hearing.

Subd. 5. Costs. The court shall order all or part of the cost of the investigation and report to be paid by either or both parties, based on their ability to pay. Any part of the cost that the court finds the parties are incapable of paying must be borne by the county welfare agency or department of court services that performs the investigation. The court may not order costs under this subdivision to be paid by a party receiving public assistance or legal assistance from a qualified legal services program or by a party whose annual income falls below the poverty line under [United States Code, title 42, section 9902\(2\)](#).

Credits

Laws 1978, c. 772, § 37, eff. March 1, 1979. Amended by Laws 1984, c. 635, § 1; Laws 1986, c. 444; [Laws 1990, c. 574, § 12](#); [Laws 1991, c. 271, § 3](#); [Laws 2003, 1st Sp., c. 14, art. 6, § 57](#).

Notes of Decisions (8)

M. S. A. § 518.167, MN ST § 518.167

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.168

518.168. Hearings

Currentness

(a) Custody proceedings shall receive priority in being set for hearing.

(b) The court may tax as costs the payment of necessary travel and other expenses incurred by a person whose presence at the hearing the court deems necessary to determine the best interests of the child.

(c) The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct interest in the particular case.

(d) If the court finds it necessary for the protection of the child's welfare that the record of an interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

Credits

Laws 1978, c. 772, § 38, eff. March 1, 1979.

M. S. A. § 518.168, MN ST § 518.168

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.17

518.17. Custody and support of children on judgment

Effective: August 1, 2012

Currentness

Subdivision 1. The best interests of the child. (a) “The best interests of the child” means all relevant factors to be considered and evaluated by the court including:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved; except that a disability, as defined in [section 363A.03](#), of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background;

(12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in [section 518B.01](#), that has occurred between the parents or between a parent and another individual, whether or not the individual alleged to have committed domestic abuse is or ever was a family or household member of the parent; and

(13) except in cases in which a finding of domestic abuse as defined in [section 518B.01](#) has been made, the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Subd. 1a. Evidence of false allegations of child abuse. The court shall consider evidence of a violation of [section 609.507](#) in determining the best interests of the child.

Subd. 2. Factors when joint custody is sought. In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:

(a) the ability of parents to cooperate in the rearing of their children;

(b) methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods;

(c) whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing; and

(d) whether domestic abuse, as defined in [section 518B.01](#), has occurred between the parents.

The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child. However, the court shall use a rebuttable presumption that joint legal or physical custody is not in the best interests of the child if domestic abuse, as defined in [section 518B.01](#), has occurred between the parents.

If the court awards joint legal or physical custody over the objection of a party, the court shall make detailed findings on each of the factors in this subdivision and explain how the factors led to its determination that joint custody would be in the best interests of the child.

Subd. 3. Custody order. (a) Upon adjudging the nullity of a marriage, or in a dissolution or separation proceeding, or in a child custody proceeding, the court shall make such further order as it deems just and proper concerning:

(1) the legal custody of the minor children of the parties which shall be sole or joint;

(2) their physical custody and residence; and

(3) their support. In determining custody, the court shall consider the best interests of each child and shall not prefer one parent over the other solely on the basis of the sex of the parent.

(b) The court shall grant the following rights to each of the parties, unless specific findings are made under [section 518.68, subdivision 1](#). Each party has the following rights:

(1) right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children;

(2) right of access to information regarding health or dental insurance available to the minor children;

(3) right to be informed by the other party as to the name and address of the school of attendance of the minor children;

(4) right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party;

(5) right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment;

(6) right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator; and

(7) right to reasonable access and telephone contact with the minor children.

(c) The court may waive any of the rights under this section if it finds it is necessary to protect the welfare of a party or child.

(d) If a court order or law prohibits contact by a party, notification required under paragraph (b), clauses (1), (2), (3), (5), and (6), shall not be by direct communication of the parties. Third-party communication shall be limited to the specific purposes delineated in this subdivision. Nothing in this subdivision shall modify, suspend, revoke, or terminate a court order or law that prohibits contact by a party.

(e) If one of the parties is a program participant under chapter 5B, the other party shall send all information and notifications required under paragraph (b), clauses (1), (2), (3), (5), and (6), to the participant's designated address. The program participant is exempted from the requirements of paragraph (b).

(f) Failure to notify or inform a party of rights under paragraph (b) does not form a basis for modification under [section 518.18](#), paragraph (d), clause (iv), unless other grounds are alleged which would support a modification.

Subds. 4, 5. Repealed by Laws 1986, c. 406, § 9.

Subd. 6. Departure from guidelines based on joint custody. An award of joint legal custody is not a reason for departure from the guidelines in [section 518A.35](#).

Credits

Amended by Laws 1969, c. 1030, § 1, eff. June 7, 1969; Laws 1971, c. 173, § 1, eff. April 30, 1971; Laws 1974, c. 107, § 14, eff. March 15, 1974; Laws 1974, c. 330, § 2; Laws 1978, c. 772, § 39; Laws 1979, c. 259, § 17, eff. May 30, 1979; Laws 1981, c. 349, § 5; Laws 1983, c. 308, § 15, eff. June 10, 1983; Laws 1984, c. 547, § 16, eff. April 26, 1984; Laws 1984, c. 655, art. 1, § 73; Laws 1986, c. 406, §§ 1, 2; Laws 1986, c. 444; Laws 1987, c. 106, § 1; [Laws 1988, c. 662, § 1](#); [Laws 1988, c. 668, § 12](#); [Laws 1989, c. 248, §§ 2, 3](#); [Laws 1990, c. 574, §§ 13, 14](#); [Laws 1991, c. 271, § 4](#); Laws 1992, c. 557, § 8; Laws 1993, c. 322, § 7; [Laws 1994, c. 630, art. 12, § 4](#); [Laws 1997, c. 203, art. 9, § 16](#), eff. June 3, 1997; [Laws 2012, c. 153, § 1](#), eff. Aug. 1, 2012.

Notes of Decisions (517)

M. S. A. § 518.17, MN ST § 518.17

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.1705

518.1705. Parenting plans

Currentness

Subdivision 1. Definition. “Domestic abuse” for the purposes of this section has the meaning given in [section 518B.01](#), subdivision 2.

Subd. 2. Plan elements. (a) A parenting plan must include the following:

(1) a schedule of the time each parent spends with the child;

(2) a designation of decision-making responsibilities regarding the child; and

(3) a method of dispute resolution.

(b) A parenting plan may include other issues and matters the parents agree to regarding the child.

(c) Parents voluntarily agreeing to parenting plans may substitute other terms for physical and legal custody, including designations of joint or sole custody, provided that the terms used in the substitution are defined in the parenting plan.

Subd. 3. Creating parenting plan; restrictions on creation; alternative. (a) Upon the request of both parents, a parenting plan must be created in lieu of an order for child custody and parenting time unless the court makes detailed findings that the proposed plan is not in the best interests of the child.

(b) If both parents do not agree to a parenting plan, the court may create one on its own motion, except that the court must not do so if it finds that a parent has committed domestic abuse against a parent or child who is a party to, or subject of, the matter before the court. If the court creates a parenting plan on its own motion, it must not use alternative terminology unless the terminology is agreed to by the parties.

(c) If an existing order does not contain a parenting plan, the parents must not be required to create a parenting plan as part of a modification order under [section 518A.39](#).

(d) A parenting plan must not be required during an action under [section 256.87](#).

(e) If the parents do not agree to a parenting plan and the court does not create one on its own motion, orders for custody and parenting time must be entered under [sections 518.17](#) and [518.175](#) or [section 257.541](#), as applicable.

Subd. 4. Custody designation. A final judgment and decree that includes a parenting plan using alternate terms to designate decision-making responsibilities or allocation of residential time between the parents must designate whether the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody, or both. This designation is solely for enforcement of the final judgment and decree where this designation is required for that enforcement and has no effect under the laws of this state, any other state, or another country that do not require this designation.

Subd. 5. Role of court. If both parents agree to the use of a parenting plan but are unable to agree on all terms, the court may create a parenting plan under this section. If the court is considering a parenting plan, it may require each parent to submit a proposed parenting plan at any time before entry of the final judgment and decree. If parents seek the court's assistance in deciding the schedule for each parent's time with the child or designation of decision-making responsibilities regarding the child, the court may order an evaluation and should consider the appointment of a guardian ad litem. Parenting plans, whether entered on the court's own motion, following a contested hearing, or reviewed by the court pursuant to a stipulation, must be based on the best interests factors in [section 518.17](#) or [257.025](#), as applicable.

Subd. 6. Restrictions on preparation of parenting plan. (a) Dispute resolution processes other than the judicial process may not be required in the preparation of a parenting plan if a parent is alleged to have committed domestic abuse toward a parent or child who is a party to, or subject of, the matter before the court. In these cases, the court shall consider the appointment of a guardian ad litem and a parenting plan evaluator.

(b) The court may not require a parenting plan that provides for joint legal custody or use of dispute resolution processes, other than the judicial process, if the court finds that [section 518.179](#) applies or the court finds that either parent has engaged in the following toward a parent or child who is a party to, or subject of, the matter before the court:

(1) acts of domestic abuse, including physical harm, bodily injury, and infliction of fear of physical harm, assault, terroristic threats, or criminal sexual conduct;

(2) physical, sexual, or a pattern of emotional abuse of a child; or

(3) willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Subd. 7. Moving the child to another state. Parents may agree upon the legal standard that will govern a decision concerning removal of a child's residence from this state, provided that:

(1) both parents were represented by counsel when the parenting plan was approved; or

(2) the court found the parents were fully informed, the agreement was voluntary, and the parents were aware of its implications.

Subd. 8. Allocation of certain expenses. (a) Parents creating a parenting plan are subject to the requirements of the child support guidelines under chapter 518A.

(b) Parents may include in the parenting plan an allocation of expenses for the child. The allocation is an enforceable contract between the parents.

Subd. 9. Modification of parenting plans. (a) Parents may modify the schedule of the time each parent spends with the child or the decision-making provisions of a parenting plan by agreement. To be enforceable, modifications must be confirmed by court order. A motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by [section 518.18](#).

(b) The parties may agree, but the court must not require them, to apply the best interests standard in [section 257.025](#) or [518.17](#), as applicable, for deciding a motion for modification that would change the child's primary residence, provided that:

(1) both parties were represented by counsel when the parenting plan was approved; or

(2) the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.

(c) If the parties do not agree to apply the best interests standard, [section 518.18](#), paragraph (d), applies.

Credits

[Laws 2000, c. 444, art. 1, § 3, eff. Jan. 1, 2001](#). Amended by [Laws 2006, c. 280, § 10](#).

[Notes of Decisions \(5\)](#)

M. S. A. § 518.1705, MN ST § 518.1705

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.175

518.175. Parenting time

[Currentness](#)

Subdivision 1. General. (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such parenting time on behalf of the child and a parent as will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child.

If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.

A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of parenting time.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time.

(c) Upon request of either party, to the extent practicable an order for parenting time must include a specific schedule for parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless parenting time is restricted, denied, or reserved.

(d) The court administrator shall provide a form for a pro se motion regarding parenting time disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the parenting time expeditor process under [section 518.1751](#). The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

(e) In the absence of other evidence, there is a rebuttable presumption that a parent is entitled to receive at least 25 percent of the parenting time for the child. For purposes of this paragraph, the percentage of parenting time may be determined by calculating the number of overnights that a child spends with a parent or by using a method other than overnights if the parent has significant time periods on separate days when the child is in the parent's physical custody but does not stay overnight. The court may consider the age of the child in determining whether a child is with a parent for a significant period of time.

Subd. 1a. Domestic abuse; supervised parenting time. (a) If a parent requests supervised parenting time under subdivision 1 or 5 and an order for protection under chapter 518B or a similar law of another state is in effect against the other parent to protect the parent with whom the child resides or the child, the judge or judicial officer must consider the order for protection in making a decision regarding parenting time.

(b) The state court administrator, in consultation with representatives of parents and other interested persons, shall develop standards to be met by persons who are responsible for supervising parenting time. Either parent may challenge the appropriateness of an individual chosen by the court to supervise parenting time.

Subd. 2. Rights of children and parents. Upon the request of either parent, the court may inform any child of the parties, if eight years of age or older, or otherwise of an age of suitable comprehension, of the rights of the child and each parent under the order or decree or any substantial amendment thereof. The parent with whom the child resides shall present the child for parenting time with the other parent, at such times as the court directs.

Subd. 3. Move to another state. (a) The parent with whom the child resides shall not move the residence of the child to another state except upon order of the court or with the consent of the other parent, if the other parent has been given parenting time by the decree. If the purpose of the move is to interfere with parenting time given to the other parent by the decree, the court shall not permit the child's residence to be moved to another state.

(b) The court shall apply a best interests standard when considering the request of the parent with whom the child resides to move the child's residence to another state. The factors the court must consider in determining the child's best interests include, but are not limited to:

(1) the nature, quality, extent of involvement, and duration of the child's relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child's life;

(2) the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration special needs of the child;

(3) the feasibility of preserving the relationship between the nonrelocating person and the child through suitable parenting time arrangements, considering the logistics and financial circumstances of the parties;

(4) the child's preference, taking into consideration the age and maturity of the child;

(5) whether there is an established pattern of conduct of the person seeking the relocation either to promote or thwart the relationship of the child and the nonrelocating person;

(6) whether the relocation of the child will enhance the general quality of the life for both the custodial parent seeking the relocation and the child including, but not limited to, financial or emotional benefit or educational opportunity;

(7) the reasons of each person for seeking or opposing the relocation; and

(8) the effect on the safety and welfare of the child, or of the parent requesting to move the child's residence, of domestic abuse, as defined in [section 518B.01](#).

(c) The burden of proof is upon the parent requesting to move the residence of the child to another state, except that if the court finds that the person requesting permission to move has been a victim of domestic abuse by the other parent, the burden of proof is upon the parent opposing the move. The court must consider all of the factors in this subdivision in determining the best interests of the child.

Subd. 4. Repealed by [Laws 1996, c. 391, art. 1, § 6](#).

Subd. 5. Modification of parenting plan or order for parenting time. If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan or an order granting or denying parenting time, if the modification would not change the child's primary residence. Except as provided in [section 631.52](#), the court may not restrict parenting time unless it finds that:

- (1) parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development; or
- (2) the parent has chronically and unreasonably failed to comply with court-ordered parenting time.

If a parent makes specific allegations that parenting time by the other parent places the parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting parenting time. Consistent with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the parenting time or may restrict a parent's parenting time if necessary to protect the other parent or child from harm. If there is an existing order for protection governing the parties, the court shall consider the use of an independent, neutral exchange location for parenting time.

Subd. 6. Remedies. (a) The court may provide for one or more of the following remedies for denial of or interference with court-ordered parenting time as provided under this subdivision. All parenting time orders must include notice of the provisions of this subdivision.

(b) If the court finds that a person has been deprived of court-ordered parenting time, the court shall order the parent who has interfered to allow compensatory parenting time to the other parent or the court shall make specific findings as to why a request for compensatory parenting time is denied. If compensatory parenting time is awarded, additional parenting time must be:

- (1) at least of the same type and duration as the deprived parenting time and, at the discretion of the court, may be in excess of or of a different type than the deprived parenting time;
- (2) taken within one year after the deprived parenting time; and
- (3) at a time acceptable to the parent deprived of parenting time.

(c) If the court finds that a party has wrongfully failed to comply with a parenting time order or a binding agreement or decision under [section 518.1751](#), the court may:

- (1) impose a civil penalty of up to \$500 on the party;
- (2) require the party to post a bond with the court for a specified period of time to secure the party's compliance;
- (3) award reasonable attorney's fees and costs;
- (4) require the party who violated the parenting time order or binding agreement or decision of the parenting time expeditor to reimburse the other party for costs incurred as a result of the violation of the order or agreement or decision; or
- (5) award any other remedy that the court finds to be in the best interests of the children involved.

A civil penalty imposed under this paragraph must be deposited in the county general fund and must be used to fund the costs of a parenting time expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.

- (d) If the court finds that a party has been denied parenting time and has incurred expenses in connection with the denied parenting time, the court may require the party who denied parenting time to post a bond in favor of the other party in the amount of prepaid expenses associated with upcoming planned parenting time.
- (e) Proof of an unwarranted denial of or interference with duly established parenting time may constitute contempt of court and may be sufficient cause for reversal of custody.

Subd. 7. Renumbered [§ 518.1752](#) in St.2001 Supp.

Subd. 8. Additional parenting time for child care parent. The court may allow additional parenting time to a parent to provide child care while the other parent is working if this arrangement is reasonable and in the best interests of the child, as defined in [section 518.17, subdivision 1](#). In addition, the court shall consider:

- (1) the ability of the parents to cooperate;
- (2) methods for resolving disputes regarding the care of the child, and the parents' willingness to use those methods; and
- (3) whether domestic abuse, as defined in [section 518B.01](#), has occurred between the parties.

Credits

Laws 1971, c. 172, § 1, eff. April 30, 1971. Amended by Laws 1974, c. 107, § 15; Laws 1978, c. 772, §§ 40 to 42; Laws 1979, c. 259, §§ 18, 19, eff. May 30, 1979; Laws 1982, c. 537, § 1; Laws 1986, c. 406, § 3; Laws 1986, c. 444; [Laws 1988, c. 668, § 14](#); [Laws 1989, c. 248, §§ 4, 5](#); [Laws 1990, c. 574, § 15](#); [Laws 1993, c. 62, § 2](#); [Laws 1993, c. 322, § 9](#); [Laws 1994, c. 631, § 31](#); [Laws 1995, c. 257, art. 1, § 20](#); [Laws 1996, c. 391, art. 1, §§ 1, 2](#); [Laws 1997, c. 239, art. 7, §§ 8, 9](#), eff. Aug. 1, 1997;

Laws 1997, c. 245, art. 2, § 2; Laws 2000, c. 444, art. 1, § 4, eff. Jan. 1, 2001; Laws 2000, c. 444, art. 2, §§ 26 to 31, eff. Jan. 1, 2001; Laws 2001, c. 51, §§ 8, 17; Laws 2006, c. 280, §§ 11 to 13.

Notes of Decisions (191)

M. S. A. § 518.175, MN ST § 518.175

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.1751

518.1751. Parenting time dispute resolution

Currentness

Subdivision 1. Parenting time expeditor. Upon request of either party, the parties' stipulation, or upon the court's own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes that occur under a parenting time order while a matter is pending under this chapter, chapter 257 or 518D, or after a decree is entered.

Subd. 1a. Exceptions. A party may not be required to refer a parenting time dispute to a parenting time expeditor under this section if:

- (1) one of the parties claims to be the victim of domestic abuse by the other party;
- (2) the court determines there is probable cause that one of the parties or a child of the parties has been physically abused or threatened with physical abuse by the other party; or
- (3) the party is unable to pay the costs of the expeditor, as provided under subdivision 2a.

If the court is satisfied that the parties have been advised by counsel and have agreed to use the parenting time expeditor process and the process does not involve face-to-face meeting of the parties, the court may direct that the parenting time expeditor process be used.

Subd. 1b. Purpose; definitions. (a) The purpose of a parenting time expeditor is to resolve parenting time disputes by enforcing, interpreting, clarifying, and addressing circumstances not specifically addressed by an existing parenting time order and, if appropriate, to make a determination as to whether the existing parenting time order has been violated. A parenting time expeditor may be appointed to resolve a onetime parenting time dispute or to provide ongoing parenting time dispute resolution services.

(b) For purposes of this section, "parenting time dispute" means a disagreement among parties about parenting time with a child, including a dispute about an anticipated denial of future scheduled parenting time. "Parenting time dispute" includes a claim by a parent that the other parent is not spending time with a child as well as a claim by a parent that the other parent is denying or interfering with parenting time.

(c) A "parenting time expeditor" is a neutral person authorized to use a mediation-arbitration process to resolve parenting time disputes. A parenting time expeditor shall attempt to resolve a parenting time dispute by facilitating negotiations between the

parties to promote settlement and, if it becomes apparent that the dispute cannot be resolved by an agreement of the parties, the parenting time expeditor shall make a decision resolving the dispute.

Subd. 2. Appointment. (a) The parties may stipulate to the appointment of a parenting time expeditor or a team of two expeditors without appearing in court by submitting to the court a written agreement identifying the names of the individuals to be appointed by the court; the nature of the dispute; the responsibilities of the parenting time expeditor, including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis; the term of the appointment; and the apportionment of fees and costs. The court shall review the agreement of the parties.

(b) If the parties cannot agree on a parenting time expeditor, the court shall provide to the parties a copy of the court administrator's roster of parenting time expeditors and require the parties to exchange the names of three potential parenting time expeditors by a specific date. If after exchanging names the parties are unable to agree upon a parenting time expeditor, the court shall select the parenting time expeditor and, in its discretion, may appoint one expeditor or a team of two expeditors. In the selection process the court must give consideration to the financial circumstances of the parties and the fees of those being considered as parenting time expeditors. Preference must be given to persons who agree to volunteer their services or who will charge a variable fee for services based on the ability of the parties to pay for them.

(c) An order appointing a parenting time expeditor must identify the name of the individual to be appointed, the nature of the dispute, the responsibilities of the expeditor including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis, the term of the appointment, the apportionment of fees, and notice that if the parties are unable to reach an agreement with the assistance of the expeditor, the expeditor is authorized to make a decision resolving the dispute which is binding upon the parties unless modified or vacated by the court.

Subd. 2a. Fees. Prior to appointing the parenting time expeditor, the court shall give the parties notice that the fees of the expeditor will be apportioned among the parties. In its order appointing the expeditor, the court shall apportion the fees of the expeditor among the parties, with each party bearing the portion of fees that the court determines is just and equitable under the circumstances. If a party files a pro se motion regarding a parenting time dispute and there is not a court order that provides for apportionment of the fees of an expeditor, the court administrator may require the party requesting the appointment of an expeditor to pay the fees of the expeditor in advance. Neither party may be required to submit a dispute to a visitation expeditor if the party cannot afford to pay for the fees of an expeditor and an affordable expeditor is not available, unless the other party agrees to pay the fees. After fees are incurred, a party may by motion request that the fees be reapportioned on equitable grounds. The court may consider the resources of the parties, the nature of the dispute, and whether a party acted in bad faith. The court may consider information from the expeditor in determining bad faith.

Subd. 2b. Roster of parenting time expeditors. Each court administrator shall maintain and make available to the public and judicial officers a roster of individuals available to serve as parenting time expeditors, including each individual's name, address, telephone number, and fee charged, if any. A court administrator shall not place on the roster the name of an individual who has not completed the training required in subdivision 2c. If the use of a parenting time expeditor is initiated by stipulation of the parties, the parties may agree upon a person to serve as an expeditor even if that person has not completed the training described in subdivision 2c. The court may appoint a person to serve as an expeditor even if the person is not on the court administrator's roster, but may not appoint a person who has not completed the training described in subdivision 2c, unless so stipulated by the parties. To maintain one's listing on a court administrator's roster of parenting time expeditors, an individual shall annually submit to the court administrator proof of completion of continuing education requirements.

Subd. 2c. Training and continuing education requirements. To qualify for listing on a court administrator's roster of parenting time expeditors, an individual shall complete a minimum of 40 hours of family mediation training that has been certified by the Minnesota supreme court, which must include certified training in domestic abuse issues as required under Rule 114 of the Minnesota General Rules of Practice for the District Courts. To maintain one's listing on a court administrator's roster of parenting time expeditors, an individual shall annually attend three hours of continuing education about alternative dispute resolution subjects.

Subd. 3. Agreement or decision. (a) Within five days of notice of the appointment, or within five days of notice of a subsequent parenting time dispute between the same parties, the parenting time expeditor shall meet with the parties together or separately and shall make a diligent effort to facilitate an agreement to resolve the dispute. If a parenting time dispute requires immediate resolution, the parenting time expeditor may confer with the parties through a telephone conference or similar means. An expeditor may make a decision without conferring with a party if the expeditor made a good faith effort to confer with the party, but the party chose not to participate in resolution of the dispute.

(b) If the parties do not reach an agreement, the expeditor shall make a decision resolving the dispute as soon as possible but not later than five days after receiving all information necessary to make a decision and after the final meeting or conference with the parties. The expeditor is authorized to award compensatory parenting time under [section 518.175, subdivision 6](#), and may recommend to the court that the noncomplying party pay attorney's fees, court costs, and other costs under [section 518.175, subdivision 6](#), paragraph (d), if the parenting time order has been violated. The expeditor shall not lose authority to make a decision if circumstances beyond the expeditor's control make it impracticable to meet the five-day timelines.

(c) Unless the parties mutually agree, the parenting time expeditor shall not make a decision that is inconsistent with an existing parenting time order, but may make decisions interpreting or clarifying a parenting time order, including the development of a specific schedule when the existing court order grants "reasonable parenting time."

(d) The expeditor shall put an agreement or decision in writing and provide a copy to the parties. The expeditor may include or omit reasons for the agreement or decision. An agreement of the parties or a decision of the expeditor is binding on the parties unless vacated or modified by the court. If a party does not comply with an agreement of the parties or a decision of the expeditor, any party may bring a motion with the court and shall attach a copy of the parties' written agreement or decision of the expeditor. The court may enforce, modify, or vacate the agreement of the parties or the decision of the expeditor.

Subd. 4. Other agreements. This section does not preclude the parties from voluntarily agreeing to submit their parenting time dispute to a neutral third party or from otherwise resolving parenting time disputes on a voluntary basis.

Subd. 4a. Confidentiality. (a) Statements made and documents produced as part of the parenting time expeditor process which are not otherwise discoverable are not subject to discovery or other disclosure and are not admissible into evidence for any purpose at trial or in any other proceeding, including impeachment.

(b) Sworn testimony may be used in subsequent proceedings for any purpose for which it is admissible under the Rules of Evidence. Parenting time expeditors, and lawyers for the parties to the extent of their participation in the parenting time expeditor process, must not be subpoenaed or called as witnesses in court proceedings.

(c) Notes, records, and recollections of parenting time expeditors are confidential and must not be disclosed to the parties, the public, or anyone other than the parenting time expeditor unless:

- (1) all parties and the expeditor agree in writing to the disclosure; or
- (2) disclosure is required by law or other applicable professional codes.

Notes and records of parenting time expeditors must not be disclosed to the court unless after a hearing the court determines that the notes or records should be reviewed in camera. Those notes or records must not be released by the court unless it determines that they disclose information showing illegal violation of the criminal law of the state.

Subd. 5. Immunity. A parenting time expeditor is immune from civil liability for actions taken or not taken when acting under this section.

Subd. 5a. Removal. If a parenting time expeditor has been appointed on a long-term basis, a party or the expeditor may file a motion seeking to have the expeditor removed for good cause shown.

Subd. 6. Mandatory parenting time dispute resolution. Subject to subdivision 1a, a judicial district may establish a mandatory parenting time dispute resolution program as provided in this subdivision. In a district where a program has been established, parties may be required to submit parenting time disputes to a parenting time expeditor as a prerequisite to a motion on the dispute being heard by the court, or either party may submit the dispute to an expeditor. A party may file a motion with the court for purposes of obtaining a court date, if necessary, but a hearing may not be held until resolution of the dispute with the parenting time expeditor. The appointment of an expeditor must be in accordance with subdivision 2. Expeditor fees must be paid in accordance with subdivision 2a.

Subd. 7. Deleted by amendment, [Laws 1997, c. 245, art. 2, § 3](#).

Credits

[Laws 1989, c. 248, § 6](#). Amended by [Laws 1996, c. 391, art. 1, § 3](#); [Laws 1997, c. 245, art. 2, § 3](#); [Laws 2000, c. 444, art. 2, § 32](#), eff. Jan. 1, 2001; [Laws 2001, c. 51, § 9](#).

Notes of Decisions (4)

M. S. A. § 518.1751, MN ST § 518.1751

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.1752

518.1752. Grandparent visitation

Currentness

In all proceedings for dissolution or legal separation, after the commencement of the proceeding or at any time after completion of the proceedings, and continuing during the minority of the child, the court may make an order granting visitation rights to grandparents under [section 257C.08, subdivision 2](#).

Credits

Amended by [Laws 2002, c. 304, § 13, par. \(b\)](#).

M. S. A. § 518.1752, MN ST § 518.1752

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.176

518.176. Judicial supervision

Currentness

Subdivision 1. Limits on parent's authority; hearing. Except as otherwise agreed by the parties in writing at the time of the custody order, the parent with whom the child resides may determine the child's upbringing, including education, health care, and religious training, unless the court after hearing, finds, upon motion by the other parent, that in the absence of a specific limitation of the authority of the parent with whom the child resides, the child's physical or emotional health is likely to be endangered or the child's emotional development impaired.

Subd. 2. Court order. If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical or emotional health is likely to be endangered or the child's emotional development impaired, the court may order the local social services agency or the department of court services to exercise continuing supervision over the case under guidelines established by the court to assure that the custodial or parenting time terms of the decree are carried out.

Credits

Laws 1978, c. 772, § 43, eff. March 1, 1979. Amended by Laws 1979, c. 259, § 20, eff. May 30, 1979; Laws 1986, c. 444; [Laws 1994, c. 631, § 31](#); [Laws 2000, c. 444, art. 2, § 33](#), eff. Jan. 1, 2001; [Laws 2001, c. 51, § 10](#).

Notes of Decisions (8)

M. S. A. § 518.176, MN ST § 518.176

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.177

518.177. Notification regarding deprivation of parental rights law

Currentness

Every court order and judgment and decree concerning custody of or parenting time or visitation with a minor child shall contain the notice set out in [section 518.68, subdivision 2](#).

Credits

Laws 1984, c. 484, § 1, eff. Aug. 1, 1984. Amended by [Laws 1993, c. 322, § 10](#); [Laws 2000, c. 444, art. 2, § 34](#), eff. Jan. 1, 2001.

[Notes of Decisions \(2\)](#)

M. S. A. § 518.177, MN ST § 518.177

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.178

518.178. Parenting time and support review hearing

Currentness

Upon motion of either party, the court shall conduct a hearing to review compliance with the parenting time and child support provisions set forth in a decree of dissolution or legal separation or an order that establishes child custody, parenting time, and support rights and obligations of parents. The state court administrator shall prepare, and each court administrator shall make available, simplified pro se forms for reviewing parenting time and child support disputes. The court may impose any parenting time enforcement remedy available under sections 518.175 and 518.1751, and any support enforcement remedy available under chapter 518A.

Credits

Laws 1999, c. 196, art. 1, § 4, eff. July 1, 1999. Amended by Laws 2000, c. 444, art. 2, § 35, eff. Jan. 1, 2001.

M. S. A. § 518.178, MN ST § 518.178

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.1781

518.1781. Six-month review

Currentness

(a) A request for a six-month review hearing form must be attached to a decree of dissolution or legal separation or an order that initially establishes child custody, parenting time, or support rights and obligations of parents. The state court administrator is requested to prepare the request for review hearing form. The form must include information regarding the procedures for requesting a hearing, the purpose of the hearing, and any other information regarding a hearing under this section that the state court administrator deems necessary.

(b) The six-month review hearing shall be held if any party submits a written request for a hearing within six months after entry of a decree of dissolution or legal separation or order that establishes child custody, parenting time, or support.

(c) Upon receipt of a completed request for hearing form, the court administrator shall provide notice of the hearing to all other parties and the public authority. The court administrator shall schedule the six-month review hearing as soon as practicable following the receipt of the hearing request form.

(d) At the six-month hearing, the court must review:

(1) whether child support is current; and

(2) whether both parties are complying with the parenting time provisions of the order.

(e) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(f) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party pursuant to this chapter, chapters 518A and 588, and the Minnesota Court Rules.

(g) A request for a six-month review hearing form must be attached to a decree or order signed on or after January 1, 2007, that initially establishes child support rights and obligations.

Credits

Laws 2005, c. 164, § 4. Amended by Laws 2005, 1st Sp., c. 7, § 26; Laws 2006, c. 280, § 20.

M. S. A. § 518.1781, MN ST § 518.1781

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

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M.S.A. § 518.179

518.179. Participation in a parenting plan when person convicted of certain offenses

Effective: August 1, 2010

Currentness

Subdivision 1. Seeking custody or parenting time. Notwithstanding any contrary provision in [section 518.17](#) or [518.175](#), if a person seeking child custody or parenting time has been convicted of a crime described in subdivision 2, the person seeking custody or parenting time has the burden to prove that custody or parenting time by that person is in the best interests of the child if:

- (1) the conviction occurred within the preceding five years;
- (2) the person is currently incarcerated, on probation, or under supervised release for the offense; or
- (3) the victim of the crime was a family or household member as defined in [section 518B.01](#), subdivision 2.

If this section applies, the court may not grant custody or parenting time to the person unless it finds that the custody or parenting time is in the best interests of the child. If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case where this section applies.

Subd. 2. Applicable crimes. This section applies to the following crimes or similar crimes under the laws of the United States, or any other state:

- (1) murder in the first, second, or third degree under [section 609.185](#), [609.19](#), or [609.195](#);
- (2) manslaughter in the first degree under [section 609.20](#);
- (3) assault in the first, second, or third degree under [section 609.221](#), [609.222](#), or [609.223](#);
- (4) kidnapping under [section 609.25](#);
- (5) depriving another of custodial or parental rights under [section 609.26](#);
- (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor under [section 609.322](#);

- (7) criminal sexual conduct in the first degree under [section 609.342](#);
- (8) criminal sexual conduct in the second degree under [section 609.343](#);
- (9) criminal sexual conduct in the third degree under [section 609.344](#), subdivision 1, paragraph (c), (f), or (g);
- (10) solicitation of a child to engage in sexual conduct under [section 609.352](#);
- (11) incest under [section 609.365](#);
- (12) malicious punishment of a child under [section 609.377](#);
- (13) neglect of a child under [section 609.378](#);
- (14) terroristic threats under [section 609.713](#); or
- (15) felony stalking under [section 609.749](#), subdivision 4.

Credits

Laws 1990, c. 574, § 16. Amended by Laws 1997, c. 239, art. 7, § 10, eff. Aug. 1, 1997; Laws 1997, c. 245, art. 2, § 4; Laws 1998, c. 367, art. 2, § 2; Laws 2000, c. 444, art. 2, § 36, eff. Jan. 1, 2001; Laws 2010, c. 299, § 14, par. (a), eff. Aug. 1, 2010.

M. S. A. § 518.179, MN ST § 518.179

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

Minnesota Statutes Annotated

Domestic Relations (Ch. 517-519)

Chapter 518. Marriage Dissolution (Refs & Annos)

Proceedings

M.S.A. § 518.18

518.18. Modification of order

Currentness

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or a parenting plan provision which specifies the child's primary residence unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established parenting time schedule, that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence that was established by the prior order unless:

(i) the court finds that a change in the custody arrangement or primary residence is in the best interests of the child and the parties previously agreed, in a writing approved by a court, to apply the best interests standard in [section 518.17](#) or [257.025](#), as applicable; and, with respect to agreements approved by a court on or after April 28, 2000, both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications;

(ii) both parties agree to the modification;

(iii) the child has been integrated into the family of the petitioner with the consent of the other party;

(iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(v) the court has denied a request of the primary custodial parent to move the residence of the child to another state, and the primary custodial parent has relocated to another state despite the court's order.

In addition, a court may modify a custody order or parenting plan under [section 631.52](#).

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a parent has been granted sole physical custody of a minor and the child subsequently lives with the other parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the obligor's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Credits

Amended by Laws 1978, c. 772, § 44, eff. March 1, 1979; Laws 1979, c. 259, § 21, eff. May 30, 1979; Laws 1986, c. 444; Laws 1990, c. 574, § 17; Laws 1991, c. 266, § 1; Laws 1994, c. 630, art. 11, § 8; Laws 1995, c. 257, art. 1, § 21; Laws 2000, c. 444, art. 1, § 5; Laws 2001, c. 51, § 11; Laws 2006, c. 280, § 14.

Notes of Decisions (356)

M. S. A. § 518.18, MN ST § 518.18

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22

Minnesota Statutes Annotated

Domestic Relations (Ch. 517-519)

Chapter 518. Marriage Dissolution (Refs & Annos)

Proceedings

M.S.A. § 518.183

518.183. Replacing certain orders

Currentness

Upon request of both parties the court must modify an order entered under [section 518.17](#) or [518.175](#) before January 1, 2001, by entering a parenting plan that complies with [section 518.1705](#), unless the court makes detailed findings that entering a parenting plan is not in the best interests of the child. If only one party makes the request, the court may modify the order by entering a parenting plan that complies with [section 518.1705](#). The court must apply the standards in [section 518.18](#) when considering a motion to enter a parenting plan that would change the child's primary residence. The court must apply the standards in [section 518.17](#) when considering a motion to enter a parenting plan that would:

- (1) change decision-making responsibilities of the parents; or
- (2) change the time each parent spends with the child, but not change the child's primary residence.

Credits

[Laws 2000, c. 444, art. 1, § 6, eff. Jan. 1, 2001](#). Amended by [Laws 2000, c. 499, § 4, eff. Jan. 1, 2001](#).

M. S. A. § 518.183, MN ST § 518.183

Current with laws of the 2013 Regular Session, Chapters 1 to 39; 41; 45; 54; 57; 58; 63, section 14; 66 to 68; 70, sections 1 to 6; 71; 73, sections 2, 4, 5; 74; 79; 80; and 116, Article 2, sections 8, 9, 11, 12, and Article 3, sections 10 to 12, 14 to 16, 22